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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,774	02/25/2002	Gregory P. Fitzpatrick	BOC9-2001-0002 (238)	4419

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AKERMAN SENTERFITT  
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EXAMINER
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BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/082,774	<b>Applicant(s)</b> FITZPATRICK ET AL.	
	<b>Examiner</b> Walter F. Briney III	<b>Art Unit</b> 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1, 2, 5-12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal et al. (US Patent 6,263,064) in view of Fitzpatrick et al. (US Patent 5,436,963).**

**Claim 1** is limited to "a method of message delivery," and it is currently amended. Specifically, applicant has modified the registering step, such that a plurality of reception states is registered. Each state comprises a plurality of rules for establishing a communications link with one or more receiving party addresses. The rules of each state define one or more categories of messages—e.g., the identity of the sending party. Each category is associated with a time of preferred delivery, the communication channel to use and the address for the communication channel.

O'Neal provides a control center seen in figures 3 and 4 for registering a plurality of reception states. For example, at time  $T_1$  the user of the O'Neal system registers his status using the dashboard 302 and options of figure 4; at later time  $T_2$ , the same user updates their status and options. The options set in the dashboard and figure 4 correspond to the recited "reception state data" and the "rules" that compose said data. Regarding said rules, it is noted that O'Neal fails to provide the categories as claimed. However, this is overcome by an obvious modification in view of the teachings of

Adams: As set forth in the Non-Final Rejection filed 05 April 2006, it would have been obvious to provide a priority screening list so that the communication options provided by O'Neal are applied selectively to particular sending parties based on their calling identities. Since the priority list screens those callers to which the communications options will be applied, it follows that all subsequent communication rules are associated with each category/identity defined in the priority screening list. In this way, whether an incoming call is routed to a Follow Me telephone number or to a Pager number corresponds to the options of O'Neal defining a "communication channel through which the receiving party prefers to receive delivery of said messages in each of said categories and a receiving party address associated with said communication channel at which the receiving party prefers to receive delivery of said messages in each of said categories." The combination of O'Neal and Adams is admittedly deficient in providing rules defining "a time at which the receiving party prefers to receive delivery of said messages in each of said categories," however, this limitation was shown to be obvious in view of the teachings of Fitzpatrick apropos the rejection of claim 1 filed 21 February 2007.

As seen in figure 5, step 502, of O'Neal, the system of O'Neal performs "identifying a receiving party address from a first initiated communications link." See column 15, lines 14-30. In step 506 the system performs "retrieving reception state data specified by said plurality of reception states according to said receiving party address." See column 15, lines 31-44. It follows in accordance with the teachings of Adams that the caller's identification will be compared to the priority list seen in figure 6 as to

whether to proceed with the communication options set by the called party. This corresponds to "classifying said first initiated communications link into one of said categories." Following this classification, on-demand services, such as Follow Me and Paging, each comprising a "communication channel" and "a receiving party address...at which the receiving party prefers to receive delivery of said message in each of said categories," are indicated to the user along with calendar information, which corresponds to "a time at which the receiving party prefers to receive delivery of said messages in each of said categories" as taught by Fitzpatrick. See column 12, lines 30-49, of O'Neal and column 3, lines 13-35, of Fitzpatrick. Note that Fitzpatrick teaches that the information is presented in speech format. In this way, the prior art combination performs "presenting said portion of said reception state data associated with said one of said categories to the sending party via the communication channel associated with the first initiated communications link, wherein said reception state data is presented in a form compatible with a device of the sending party." Therefore, O'Neal in view of Fitzpatrick and further in view of Adams makes obvious all limitations of the claim.

**Claim 11** is directed towards a machine-readable storage with a program that executes essentially the same method as claim 1, as covered by O'Neal in view of Fitzpatrick and further in view of Adams. The system disclosed by O'Neal is computerized. See figure 2 and column 7, line 12, through column 9, line 67. Therefore, O'Neal in view of Fitzpatrick and further in view of Adams makes obvious all limitations of the claim.

**Claims 2, 5-10, 12 and 15-20** depend variously on claims 1 and 11, as covered by O'Neal in view of Fitzpatrick, and are rejected for the same reasons set forth above. The further limitations presented in each of these claims are rejected for the same reasons presented in the Non-Final Rejection filed 05 April 2006, and incorporated herein by reference.

2. **Claims 3, 4, 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal in view of Fitzpatrick and further in view of Adams et al. (US patent 6,631,186).

**Claims 3, 4, 13 and 14** depend variously on claims 1 and 11, as covered by O'Neal in view of Fitzpatrick, and are rejected for the same reasons set forth above. The further limitations presented in each of these claims are rejected for the same reasons presented in the Non-Final Rejection filed 05 April 2006, and incorporated herein by reference.

### ***Response to Arguments***

Applicant's arguments filed 21 May 2007 have been fully considered but are moot in view of new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

wfb  
8/6/07